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Attorneys for Defendant

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Richard Norman Bevan,  
Plaintiff,

v.

KILOLO KIJAKAZI,  
Commissioner of Social Security,<sup>1</sup>  
Defendant.

Case No.: 2:21-cv-1522-DJA

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME  
(FIRST REQUEST)**

Defendant, the Commissioner of Social Security (the “Commissioner”), through the undersigned counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and Response to Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the Commissioner respectfully states as follows:

1. Primary responsibility for handling this case has been delegated to the Office of the

<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

2 2. Defendant’s response to Plaintiff’s opening brief is currently due January 12, 2022.  
3 Defendant has not previously requested an extension of time for this deadline.

4 3. The Region IX Office currently handles all district and circuit court litigation involving  
5 the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

6 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling  
7 civil litigation involving the Social Security program in the eight assigned jurisdictions. Most of the  
8 attorneys who handle program litigation cases have additional responsibilities, such as litigating in  
9 other practice areas described below, acting as Jurisdictional leads, reviewing the work product of  
10 junior attorneys, conducting trainings, and participating in national workgroups. In addition, because  
11 of attorneys taking unexpected leave or resigning, the Region IX Office has had to re-assign dozens of  
12 cases and substitute in new counsel who have had to absorb these re-assigned cases into their existing  
13 caseloads.

14 5. As of December 8, 2021, the Region IX Office had 277 district court briefs due in the  
15 next thirty days in the jurisdictions it handles. In addition, the Region IX Office has 12 appellate cases  
16 pending for briefing.

17 6. In addition to “program” litigation, the Region IX Office provides a full range of legal  
18 services as counsel for the Social Security Administration, in a region that covers four states  
19 (including the most populous state in the nation) and three territories. These other workloads include  
20 employment litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on  
21 wide-ranging topics, including Regional office client requests for advice on program issues, employee  
22 conduct and performance, reasonable accommodation, hostile work environment, ethics, Privacy Act  
23 and disclosure, and torts. Because of the high volume of program litigation cases, the Region IX  
24 Office has had to focus its efforts on processing only other workloads that are subject to statutory,  
25 regulatory, and court deadlines.

1           7.       The undersigned attorney was ill and unable to work during the last two weeks. She  
2 also has 18 briefs due in district court cases over the next sixty days, as well as one appellate brief.  
3 The undersigned is also the lead attorney in this office's legal opinion and advice workgroup, which  
4 currently has 15 pending requests for advice and guidance.

5           7.       Due to the volume of the overall workload within the Region IX Office, neither the  
6 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete  
7 briefing by the current due date of January 12, 2022. Therefore, Defendant seeks an extension of 60  
8 days, until March 14, 2022 to respond to Plaintiff's motion.

9           8.       This request is made in good faith and is not intended to delay the proceedings in this  
10 matter.

11           9.       On January 10, 2022, counsel for Defendant conferred with Plaintiff's counsel, who has  
12 no opposition to this motion.

13           WHEREFORE, Defendant requests until March 14, 2022, to respond to Plaintiff's Motion for  
14 Reversal and/or Remand.

15  
16           Dated: January 12, 2022

Respectfully submitted,

17           CHRISTOPHER CHIOU  
18           Acting United States Attorney

19           /s/ Sathya Oum  
20           SATHYA OUM  
21           Special Assistant United States Attorney

22  
23           IT IS SO ORDERED:

24             
25           UNITED STATES MAGISTRATE JUDGE

26           DATED: January 13, 2022

**CERTIFICATE OF SERVICE**

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME (*FIRST REQUEST*)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

Marc V. Kalagian  
Rohlfing.kalagian@rksslaw.com  
Attorney for Plaintiff

Dated: January 12, 2022

/s/ Sathya Oum  
SATHYA OUM  
Special Assistant United States Attorney